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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/900,784	07/06/2001	Kinya Washino	FNI-02503/03	2825
7590	04/19/2004		EXAMINER	LEE, MICHAEL
John G Posse Gifford Krass Groh Sprinkle Anderson & Citkowski P C 280 N Old Woodward Ave Suite 400 Birmingham, MI 48009			ART UNIT	PAPER NUMBER
			2614	
			DATE MAILED: 04/19/2004	

16

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/900,784	WASHINO ET AL.
	Examiner	Art Unit
	M. Lee	2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 16 January 2004.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 51-269 is/are pending in the application.
  - 4a) Of the above claim(s) 79-269 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 51-78 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>14</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 79-269 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The claims are directed to a different invention which would be classified in elsewhere.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 79-269 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 51-59, 61-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langford et al. (5,206,929).

Regarding claims 51, 52, Langford discloses an offline editing system (Figure 2) showing a plurality of optical videodisk units (50) for storing a plurality of video takes and a floppy disc edit decision lists, which meet the recording apparatus as claimed, and a video switcher for switching video signal outputted from the video disk units 50 in accordance with the edit decision list provided by edit controller 30, which meets the

video program generator as claimed (col. 7, lines 38-43). In addition, the one or more inputs as claimed are met by the input terminals of switcher 46, or the input terminals to the recorders 50a, and the input terminals to the floppy drive for storing the edit list. The edit decision list includes both the edit time codes and scripting, staging, or scene composition information (col. 7, lines 33-37).

Regarding claim 53, during the multiple cameras style editing mode (col. 14, line 66, to col. 15, line 18), the edit decision list controls the selection of a plurality of video camera views, which meets the camera positioning or orientation control as claimed.

Regarding claim 54, the scene tracker utilized by the edit decision list meets the props or actors positioning, orientation, or physical characteristics as claimed (col. 7, lines 1-20, 44-49).

Regarding claim 55, the edit decision list in Langford is user controllable.

Regarding claim 56, portion of the edit decision list is in text format (col. 7, line 37, and col. 12, lines 2-8).

Regarding claim 57, see col. 10, lines 14-60.

Regarding claim 58, see rejection to claim 53.

Regarding claim 59, during the single camera style editing mode (col. 13, line 61, to col. 14, line 14) or the multiple cameras style editing mode (col. 14, line 66 to col. 15, line 18), Langford is intended to perform all sorts of video and audio special effects, which includes close-up camera coverage special effects.

Regarding claim 61, the video signals and edit decision list are stored separately in Langford.

Regarding claim 62, the video signals are originally stored in tapes (see Figure 1).

Regarding claim 63, see col. 15, lines 52-56.

Regarding claim 64, see the video switcher 46 in Figure 4.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 60, 65-78 are rejected under 35 U.S.C. 103(a) as being unpatentable over Langford et al. (5,206,929).

Regarding claim 60, Langford does not specify that the recording apparatus forms part of a camcorder. It is well known in the art that a video camcorder has both recording and playback capabilities. Since units 50 in Langford have both recording and playback capabilities, they could be substituted with any conventional recording and playback device such as a camcorder. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to replace recording and playback units with camcorders to perform the well known functions as claimed. The selection of camcorders would have been considered an obvious design choice.

Regarding claim 65, in addition of rejection claim 51, Langford fails to specify the step of recording the source material in digitally compressed form. Recording video and audio signals in compressed digital format is notoriously well known in the art.

Compressed digital video and audio signals enable video communication through narrow bandwidth channel and require less storage space. Hence, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to compress the video and audio signals in Langford to perform the well known function as claimed.

Regarding claims 66-78, see the corresponding rejections to claims 52-64 as recited above.

***Response to Arguments***

6. Applicant's arguments with respect to claims 51-78 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Lee whose telephone number is **703-305-4743**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John Miller**, can be reached at **703-305-4795**.

**Any response to this action should be mailed to:**

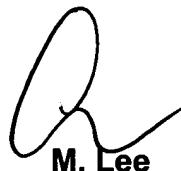
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.



**M. Lee**  
**Primary Examiner**  
**Art Unit 2614**

April 13, 2004